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HOUSE BILL 559

**47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005**

INTRODUCED BY

Patricia A. Lundstrom

AN ACT

RELATING TO ELECTIONS; ESTABLISHING RULES FOR DETERMINING THE  
PLACE OF RESIDENCE OF CANDIDATES AND OFFICEHOLDERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Election Code is enacted  
to read:

"~~[NEW MATERIAL]~~ RESIDENCE OF CANDIDATES AND  
OFFICEHOLDERS--RULES FOR DETERMINING.--For the purpose of  
determining the place of residence of a candidate running for  
public office or of an officeholder, the place of residence is  
governed by the following rules:

A. the residence of a person is that place in which  
the person's habitation is fixed, and to which, whenever the  
person is temporarily absent, the person has the intention to  
return;

.152500.1

underscoring material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

1           B. the place where a person physically resides is  
2 presumed to be the person's place of residence;

3           C. a parent's residence shall not be presumed to be  
4 the residence of a child who has reached the age of majority  
5 unless the parent's residence is the only place the child  
6 physically resides;

7           D. there can be only one residence; and

8           E. a person does not gain or lose residence solely  
9 by reason of the person's presence or absence while employed in  
10 the service of the United States or of this state, or while the  
11 person is a student at any school."

12           Section 2. Section 1-1-7.1 NMSA 1978 (being Laws 1979,  
13 Chapter 378, Section 1, as amended by Laws 1993, Chapter 314,  
14 Section 1 and also by Laws 1993, Chapter 316, Section 1) is  
15 amended to read:

16           "1-1-7.1. RESIDENCE FOR PURPOSE OF [~~CANDIDACY AND~~  
17 SIGNING OF PETITIONS--RULE FOR DETERMINING.--For the purpose of  
18 determining the residence of [~~a person desiring to be a~~  
19 ~~candidate for the nomination or election to an office under the~~  
20 ~~provisions of the Election Code or for the purpose of~~  
21 ~~determining the residence of]~~ any signer of a petition required  
22 by the Election Code, permanent residence shall be resolved in  
23 favor of that place shown on the person's affidavit of  
24 registration as [~~his~~] the person's permanent residence,  
25 provided the person resides on the premises."

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